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*ADMITTED IN NEW YORK AND NEW JERSEY

ROBERT D. BRADY
OF COUNSEL

July 3, 2008

The Honorable Shira A. Scheindlin
United States District Court
500 Pearl Street
New York, New York 10007-1312

Re: The Annuity, Welfare and Apprenticeship Skill Improvement &
Safety Funds of I.U.O.E. Local 15 v. Metro Foundation Contractors, Inc.
Civil Case No. 08-CIV-2935 (SAS)

Dear Judge Scheindlin:

Our office represents the Plaintiffs in the above-captioned matter who have a pending default judgment motion against Defendant Metro Foundation Contractors, Inc. ("Metro Foundation"). At this time, we are pleased to advise Your Honor that Defendant Metro Foundation has consented to the demanded payroll audit and same is scheduled for July 10, 2008 at 9:00 a.m. (A copy of the audit confirmation letter is annexed hereto for your review.) Since Defendant Metro Foundation has cooperated in scheduling the audit, we respectfully withdraw the pending default judgment motion. In addition, we respectfully request that Your Honor schedule this matter for an initial conference for any date and time after August 10, 2008. This will allow the auditor ample time to prepare his report and for us to forward a copy of same to Defendant Metro Foundation in the event that a fringe benefit deficiency is calculated.

In the event that you have any questions, please contact the undersigned.

Respectfully submitted,

James M. Steinberg (JS-3515)

Enc.

Cc: Mr. Anthony Lazzaro (Metro Foundation via facsimile)
Mr. Patrick J. Keenan

A conference is scheduled for Friday, August 15, 2008, at 4:30 p.m. The Clerk of the Court is directed to close the motion for a default judgment (document #4 on the docket sheet).

Dated: New York, New York
July 8, 2008

SO ORDERED:

Shira A. Scheindlin
U.S.D.J.

FILED
DOCKET
DATE: 7/8/08

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CHAMBERS
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JUDGE SCHEINDLIN